

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JEAN-ROBERT CADET

CASE NO. C-1-01-131

Plaintiff

(Magistrate Timothy Hogan)

VS

MADEIRA CITY SCHOOL DISTRICT  
BOARD OF EDUCATION

MICHELE W. HUMMEL

CHRIS J. MATE

PAUL W. IMHOFF

Defendants

**DEFENDANTS MEMORANDUM IN  
OPPOSITION TO PLAINTIFF'S  
MOTION TO REVIEW CLERK'S  
TAXATION OF COSTS**

Plaintiff's motion for review correctly states that the taxation of costs is left to the sound discretion of the Court. This does not mean, however, that an unsuccessful litigant is automatically spared the burden of costs simply because his case was brought in good faith, or he allegedly lacks financial resources. Were this the case, good faith would always be a defense to court costs, no matter the burden which the litigation imposed upon the prevailing party.

Moreover, although plaintiff's motion recites the lack of financial resources, the amount in issue is not vast, and plaintiff certainly may borrow that sum, or

agree to a schedule of installment payments with the defendants.

Defendants have no interest in impoverishing Mr. Cadet, but he and his family are solidly middle class, and can meet their responsibilities to this Court. Moreover, the defendants are representatives of the taxpayers of the Madeira City School District, who have born the expense of this litigation, either directly or through their insurance premiums. Their interest, also must be of equal importance.

Accordingly, defendants request that plaintiff's motion to review the Clerk's taxation of costs be denied, and that plaintiff be required to pay all costs taxed by the Clerk.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of April, 2004, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ R. Gary Winters

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